



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P.(MD) No.337 of 2017
and
C.M.P.(MD) No.7077 of 2017

1.M.Meenakshi

2.K.Kannappan

... Petitioners/Respondents 3 & 4

Vs.

1.M.Ganthimathi

2.Minor K.Kamalika

rep.by Mother & Natural Guardian 1st Respondent

... Respondents 1 & 2/Petitioners

3.Chandra Logistics Pvt. Ltd.,

Represented by its Managing Director,

4.The Divisional Manager,

IFFCO-TOKYO General Insurance Co. Ltd.,

... Respondents 3 & 4/Respondents 1 & 2

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the M.C.O.P.No.1923 of 2016, on the file of the Motor Accident Claims Tribunal/Fourth Additional District Judge, Madurai and to transfer the said case to the file of the Motor Accident Claims Tribunal / Special District Judge, Trichy.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondent Nos. 1 & 2 : Mr.S.Madhavan

For Respondent No. 3 : Mr.J.Barathan

For Respondent No.4 : Mr.V.Sakthivel

O R D E R

The petitioner has come forward with the petition seeking to transfer M.C.O.P.No.1923 of 2016, pending on the file of the Motor Accident Claims Tribunal/Fourth Additional District Judge, Madurai to the file of the Motor Accident Claims Tribunal / Special District Judge, Trichy, which was filed claiming compensation for the death of the second petitioner's son in a road accident which took place on 23.04.2016. While so, the second petitioner's daughter-in-law, the wife of the deceased, filed a M.C.O.P.No.1923 of 2016, on the file of the Motor Accident



Claims Tribunal / Fourth Additional District Judge, Madurai, claiming compensation for the death of the deceased K.Muthukumar.

2. Admittedly, both the Claim Petitions relate to the same occurrence and the claim is made in respect of the same individual. The petitioners stated that they are aged people and are not in a position to travel. Hence, they seek transfer of M.C.O.P to 1923 of 2016, pending on the file of the Fourth Additional District Court, Madurai to the file of the Motor Accident Claims Tribunal/Special District Court, Trichy.

3. The learned counsel for the respondents 1 and 2 submits that the respondents have no serious objection, to transfer case. However, the learned counsel for the respondents 1 and 2 contended that the averments regarding the false address being given by R1 and R2 is disputed. Without admitting the allegations regarding the address of the respondents 1 and 2, they have got no serious objection to entertain the petition. The other respondents have also no serious objection.

4. In view of the reasons stated above, this Court is inclined to entertain the petition. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and M.C.O.P. No.1923 of 2016, pending on the file of the Motor Accident Claims Tribunal/Fourth Additional District Judge, Madurai is transferred to the file of the Motor Accident Claims Tribunal / Special District Judge, Trichy. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

1. The Motor Accident Claims Tribunal/
Fourth Additional District Judge, Madurai.
2. The Motor Accident Claims Tribunal/
Special District Judge, Trichy.

+1CC to Mr.T.R.Jeyapalam, Advocate, SR.No. 82043
+1CC to Mr.N.Sudhagar Nagaraj, Advocate, SR.No.81730
+1CC to Mr.S.Madhavan, Advocate, SR.No.81667
+1CC to Mr.V.Sakthivel, Advocate, SR.No. 81746

ORDER MADE IN

Tr.C.M.P. (MD) No.337 of 2017

and

C.M.P. (MD) No.7077 of 2017